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BEFORE THE
POLLUTION CONTROL HEARINGS BOARD
STATE OF WASHINGTON

GEORGIA-PACIFIC CORPORATION,

Appellant,

v.

STATE OF WASHINGTON,
DEPARTMENT OF ECOLOGY,

Respondent.

PCHB Nos. 80-73, 80-131,
and 80-153

ORDER GRANTING MOTION
FOR SUMMARY JUDGMENT

This matter came before the Board at its office in Lacey on October 24, 1980, on motions for summary judgment filed by each party in PCHB Nos. 80-73 and 80-153. By agreement of counsel, PCHB No. 80-131 was included in the motions. Respondent was represented by Wick Dufford, assistant attorney general; appellant was represented by its attorney, G. Keith Grim.

From the motions filed, the supporting briefs, affidavits, and the record herein, and it appearing that there are no genuine issues of material fact, the Board concludes that respondent's motion should be denied and that appellant's motion should be


1 granted on the grounds that under Puget Sound Air Pollution Control
2 Agency v. Kaiser Aluminum and Chemical Corp., 25 Wn. App. 273 (1980),
3 violations must be shown to be knowingly caused and respondent
4 admits that the alleged violations were not knowingly caused by
5 appellant. Although we agree with respondent's interpretation of
6 the Clean Air Act, the Kaiser case controls the disposition of these
7 matters. NOW, THEREFORE,

8 IT IS ORDERED that respondent's motions for summary judgment
9 are denied, appellant's motions for summary judgment are granted,
10 and the civil penalties are vacated.

11 DONE in Lacey, Washington, this 27th day of October, 1980.

12 POLLUTION CONTROL HEARINGS BOARD

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15 NAT W. WASHINGTON, Chairman

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17 DAVID AKANA, Member

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26 ORDER GRANTING
27 MOTION FOR
SUMMARY JUDGMENT